

## **Vacant and Abandoned Building FAQ**

### **What is a vacant and abandoned building?**

A vacant and abandoned building is a residential building, including accessory buildings, that has been vacant for at least 28 days and has been fire damaged, is unsecured or boarded up, has disconnected utilities, has unpaid taxes for more than a year, and/or has violations to the City Housing Code or the State Construction Code. Buildings can be vacant without being on the City's vacant and abandoned building list. City regulations on vacant and abandoned structures are described in Chapter 1456 of the Battle Creek Code of Ordinances.

### **Why are vacant and abandoned buildings a City concern?**

Vacant buildings lower property values and make people feel unsafe. The City Commission has determined that the presence of vacant and abandoned structures create an element of neighborhood blight. It is recognized that blight lowers property values; leads to deteriorating housing conditions; undermines the quality of neighborhood life; affects the public health, safety and general welfare; and can also result in human injury and criminal activity. The City Commission also determined that vacant and unoccupied structures occupy an inordinate amount of City administrative and enforcement resources.

### **How do vacant buildings come to the attention of the City?**

Vacant structures are identified by neighborhood complaints, code compliance officers, the fire or police departments, or trade inspectors. The owner of the building on record with the City is sent a letter requesting a response within 30 days with a vacant building registration form. Filing a vacant building registration form has a \$25 service charge. Once registered as vacant, City water billing ensures that water service is turned off.

### **How much does it cost to have a building on the vacant and abandoned list?**

The fee is \$25 to register a vacant building. Each month the building is vacant, the City's charges the owner \$40, billed quarterly. Code Compliance officers monitor all vacant buildings on the list at least monthly and usually a few times a week.

### **What happens if the monthly fee is not paid?**

The City can assess a late fee. Unpaid fees in March and September are referred to the Special Assessment Review Board. After review, the Board sends a letter asking for payment and giving property owner instructions how to dispute/appeal charges. After review, the Board adds amounts owed to the property's taxes.

### **What if the building needs to be secured against entry?**

An Order to Secure is issued and must be complied with by the owner within 72 hours. If the securing has not been completed or does not comply with the requirements for securing the structure, the City shall secure the structure and the City will then bill the owner of record for all costs incurred, including service fees and administrative costs. The amount billed will become a personal debt of the owner and recorded as a lien against the property.

Over any broken windows or unsecured doorways, plywood boarding should be placed so that animal or human entry is prohibited. All first story and ground accessible points of entry shall be secured by use of exterior grade plywood or its equivalent of at least ½ inch thickness, cut to the size of the opening and secured by the use of Phillips headed two inch long screws. On entry points being secured above the first story or not accessible from the ground level shall be secured by use of exterior grade plywood or its equivalent of at least ½ inch thickness, cut to the size of the opening and secured by the use of 16 penny common nails.

**What happens if a person fails to register a vacant building once a letter is sent to register a property as a vacant and abandoned building?**

A person who violates the code, or fails to register a property, is guilty of a misdemeanor and is fined \$500, or imprisoned not more than 90 days, or both, for each offense.

**Once vacant, how is the Certificate of Occupancy affected?**

Once the property is registered as vacant, the occupancy permit is revoked. Prior to re-occupancy, a safety inspection is required by a building inspector to verify the condition of the property.

To encourage re-occupancy by homeowners, an exception is made. If a property is re-occupied by a home owner within six months of being registered as vacant and abandoned, the safety inspection is waived and the Certificate of Occupancy is re-instated.

If the property is going to be a rental or homeowner occupied after being on the vacant list for six months or more, the current owner or listed leasing agent, must request a safety inspection. If there are code issues, the building inspector will create a violations letter and forward it to the current owner or leasing agent. Once a building permit is pulled to make repairs, the City will temporarily turn on the water for repairs to be made. The homeowner has 30 days to make required upgrades to avoid the civil infractions process. Extensions are granted on request to give more time to make property improvements. Property intended to be rented must register as a rental with the City.

Once all required permits are finalized and approved by the building inspector, the safety inspection must be cleared. After the building inspector clears the safety inspection, a new Certificate of Occupancy is issued.

**What if a building on the vacant and abandoned list is sold to another person/organization?**

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility to bring the property into compliance. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address the violations that existed at the time of sale, transfer or conveyance of the property from the original owner.

**What if the property is a danger to the neighborhood?**

Vacant and abandoned properties that pose a health and safety risk to the neighborhood or are too costly to repair can be referred to the dangerous buildings process described in Chapter 1454 of the Battle Creek Code of Ordinances.